

REMARKS

Claims 51-58 are all of the claims pending in the application. By this Amendment, Applicant hereby adds claims 59-67.

I. Claim Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 51-58 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,137,840 to Tiedemann, Jr. et al. (hereinafter "Tiedemann"). Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider this rejection at least in light of the comments which follow.

Turning first to independent claim 51, the claim recites, *inter alia*, "changing the transmit power according to a change including a corresponding change in the required transmission quality target value" and "wherein the required transmission quality target value is a signal-to-interference ratio." Tiedemann does not disclose or suggest this unique feature.

The Examiner alleges that Tiedemann teaches transmitting at higher power or lower power due to propagation path, citing col. 3, lines 27-38, col. 4, lines 1-28, and col. 8, lines 36-67 of Tiedemann. But Tiedemann discloses that the power reduction of transmission to one user allows another user to transmit at a higher power level which may be necessary due to differences in the propagation path or because that user is transmitting at a higher data rate (col. 3, lines 33-38 of Tiedemann). Tiedemann further discloses that the estimation of fading characteristics can be used to estimate the power control changes that need to be made (col. 4, lines 14-18 of Tiedemann).

Tiedemann does not disclose or suggest changing the transmit power according to a change including a corresponding change in the required transmission quality target value,

wherein the required transmission quality target value is a signal-to-interference ratio. A person of ordinary skill in the art would clearly understand that a signal-to-interference ratio is not the same as, nor suggested by, the propagation path or fading characteristics taught by Tiedemann.

Moreover, Tiedemann discloses that, in response to deterioration of the propagation path, the base station increases the transmission energy to that user by a relatively significant amount so that the adjustment will be more than adequate to assure the power adjusted frame will be properly received even if the propagation path has deteriorated in the interim (*see* col. 8, lines 34-43 of Tiedemann). Accordingly, Tiedemann teaches only that the transmission energy is increased by a relatively significant amount. Tiedemann fails to teach that there is any correspondence between the change in transmit power and the change in the required transmission quality target value (wherein the required transmission target value is a signal-to-interference ratio).

For at least the above reasons, Applicant respectfully submits that claim 51 is patentable over Tiedemann. Independent claims 53 and 55 include features similar to, although not necessarily coextensive with, the features discussed above with respect to claim 51. Accordingly, Applicant respectfully submits that claims 53 and 55 are patentable over Tiedemann for at least the reasons discussed above with respect to claim 51. Applicant respectfully submits that claims 52, 54, and 56-58 are patentable over Tiedemann at least by virtue of their dependency on claims 51, 53, or 55.

II. New Claims

Applicant hereby adds claims 59-67 in order to provide more varied protection. Claims 59-67 are clearly supported throughout the specification. Applicant respectfully notes that claims 59-67 contain subject matter substantially similar to the subject matter of canceled claims

28, 30, 33, 35, 36, 38-40, and 42 (not necessarily in that order) and respectfully submits that claims 59-67 are allowable for at least the same reasons as those for the allowability of the subject matter of canceled claims 28, 30, 33, 35, 36, 38-40, and 42.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Eric S. Barr/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Eric S. Barr
Registration No. 60,150

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 29, 2008